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Chairman: Ms. Lock (Vice-Chairman) ..... (South Africa)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kuznetsov

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In the absence of Mr. MacKay (New Zealand), Ms. Lock (South Africa), Vice-Chairman, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 135: Financing of the United Nations peacekeeping forces in the Middle East (*continued*)

(b) United Nations Interim Force in Lebanon (*continued*) (A/C.5/59/L.52)

Draft resolution A/C.5/59/L.52

1. **The Chairman** said that she had been informed by the coordinator of the informal consultations on the item that the Committee had been unable to reach consensus on the text of a draft resolution. She drew attention to draft resolution A/C.5/59/L.52, which had been submitted by Jamaica on behalf of the Group of 77 and China.

2. **Ms. Taylor Roberts** (Jamaica), introducing the draft resolution on behalf of the Group of 77 and China, drew attention to the fourth preambular paragraph and to paragraphs 3, 4 and 13, which related to an outstanding issue concerning non-payment by a Member State. She trusted that the Committee would give favourable consideration to the draft resolution.

Agenda item 108: Programme budget for the biennium 2004-2005 (*continued*)

Capital master plan (*continued*) (A/59/441/Add.1)

3. **Mr. Clarkson** (Officer-in-Charge of the Capital Master Plan Project), introducing the report of the Secretary-General on the capital master plan (A/59/441/Add.1), said that, in a letter dated 15 March 2005, the United States had given formal notification of its offer of a loan of $1.2 billion to finance the capital master plan. The loan offer was structured on the basis of a 30-year maximum period at an interest rate of 5.54 per cent per annum. The United Nations was required to convey its acceptance of the offer and sign a loan agreement by 30 September 2005. Otherwise, the offer would expire. Acceptance of the offer would not commit the Organization to enter into any financial obligations, nor would it preclude the United Nations from seeking alternative sources of funding. Accordingly, the General Assembly was requested to authorize the Secretary-General to accept the loan offer and conclude a loan agreement with the host country. The letter from the host country would be issued as an annex to the Secretary-General's report.

4. Implementation of the capital master plan was predicated on the temporary relocation of staff and delegates into a swing space building, UNDC-5, to be constructed by the United Nations Development Corporation (UNDC). Regrettably, UNDC had not received the required legislative approval from the state of New York. If legislative approval was given soon, the best completion date for UNDC-5 would be early 2011. However, refurbishment of the Headquarters complex was scheduled to begin in 2007, and each year of delay would result in escalation costs of about $38 million. The United Nations must therefore consider the use of commercial swing space, so that the refurbishment could begin on schedule.

5. The Secretariat had engaged a real estate firm to identify alternative swing space for offices and conference use. Use of commercial swing space would cost more than the rental rate originally anticipated for UNDC-5. At the same time, given the significant increase in the projected construction cost of UNDC-5, the original estimated rental rate could no longer be maintained. Nevertheless, the Administration believed that UNDC should continue to pursue the legislative approval required for the construction of UNDC-5 as a long-term consolidation building for United Nations offices currently housed in annex buildings.

6. As for the refurbishment, the design work was well under way. The General Assembly was therefore requested to approve the conversion of the $26 million commitment authority granted in its resolution 57/292 into an appropriation to allow for the completion of that phase of the project.

7. **Mr. Kuznetsov** (Chairman of the Advisory Committee on Administrative and Budgetary Questions (ACABQ)), introducing orally the related report of ACABQ, said that the offer by the host country of an interest-bearing loan would likely not be the least expensive way of obtaining financing for the capital master plan. The cash payment option, based on a one-time assessment or multi-year special assessments, would be the simplest and cheapest approach. However, relatively large financial outlays would be required from Member States. That option and other ideas, including a combination of financial mechanisms that might prove feasible and economical,

should be elaborated on in the third progress report. In the meantime, there would be no disadvantage in accepting the host country's offer, there being no requirement for the United Nations to actually make use of the loan, although there should be an understanding that, if the Organization did utilize all or part of the amount available, disbursal and repayment would be in accordance with a previously negotiated agreement to be worked out between the United Nations and the host country. In accordance with past practice, that agreement should be submitted to the General Assembly prior to signature by the Secretary-General.

8. The Advisory Committee recommended acceptance of the proposals contained in paragraphs 39 (a), (b) and (c) of the Secretary-General's report, subject to the understanding that, if the authorization of the General Assembly was sought to draw down any part of the amount available, the Secretary-General would provide it with detailed information on the related conditions. With regard to the proposed conversion of the full amount of the commitment authority approved for the biennium 2004-2005, the Advisory Committee wished to point out that the $26 million included a provision of $8.2 million budgeted for 2006. It therefore recommended that only $17.8 million should be appropriated and assessed. Commitment authority for the balance of $8.2 million should be renewed pending future action on the appropriation of that amount.

9. The Advisory Committee had previously stated that, given the changing circumstances, a wide range of options should be considered for the implementation of the capital master plan (A/59/556, para. 13). Recent developments had made the use of the current swing space option problematic. The Advisory Committee expected the third progress report to analyse the impact of those developments on the viability of the plan and to put forward a number of alternatives for addressing the Organization's needs with respect to its Headquarters facilities. All options should be explored, including the construction of temporary conference facilities together with suitable office space adjacent to, or close by, those facilities, preferably in Manhattan. The option of building within the United Nations compound should also be considered, as should a possible temporary, or even permanent, relocation of United Nations Headquarters outside New York City.

10. **Mr. van den Bossche** (Belgium), speaking on behalf of the European Union, the acceding countries (Bulgaria and Romania), the candidate countries (Croatia and Turkey), the stabilization and association process countries (Albania, Serbia and Montenegro and the former Yugoslav Republic of Macedonia) and, in addition, Liechtenstein and Ukraine, said that the delays in implementing the capital master plan were troubling given the urgent need to renovate the Headquarters building. The European Union regretted that the host country had not improved the conditions of its initial loan offer. Provision of an interest-bearing loan was not in line with the usual practice at other United Nations headquarters locations. Moreover, in the interests of transparency, the host country should have provided more detailed information on the terms of the offer.

11. It was important to have a comprehensive and coherent capital master plan. However, many questions remained unanswered at the current stage. For example, the total cost was difficult to estimate because the General Assembly had yet to decide on a swing space option and on the modalities for financing the project. Nevertheless, in order to facilitate the timely implementation of the project, the European Union was ready to approve the appropriation of $26 million for the second phase of design work. It trusted that renovation of the Headquarters complex would begin in 2007, as scheduled.

12. Before taking any decision on the loan offer from the host country, the Assembly would need more information on the terms. The European Union was prepared to consider authorizing the Secretary-General to sign an agreement in order to preserve the Organization's option of drawing down all or part of the loan, subject to specific conditions along the lines of those set out in paragraphs 39 (b), (c) and (e) of the report before the Committee (A/59/441/Add.1). It looked forward to pursuing the matter in informal consultations.

13. Noting that the European Union countries accounted for about 38 per cent of aggregate assessments, he urged the Committee to examine ways of limiting the financial burden of the capital master plan on Member States. At the sixtieth session of the General Assembly, detailed consideration should be given to alternative solutions with a view to finding the most cost-effective funding arrangements for the renovation of the Headquarters building and the most

practical swing space option. The Secretariat should submit a follow-up report on the matter, taking as its starting point the principle of best value for money. The report should include cost estimates for the swing space building as well as estimates for the cost of renting an alternative location, total cost estimates for the capital master plan project, including potential cost overruns, and information on all possible funding arrangements.

14. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that the Group continued to support the capital master plan. However, it would be difficult for it to authorize the Secretary-General to sign a loan agreement with the host country without having clear cost estimates for the implementation of the project. While the Chairman of the Advisory Committee had stated that there would be no disadvantage in accepting the loan offer, the General Assembly would need to have very clear information about the legal implications of such a step and about the terms and conditions of the loan itself before any decision was taken on the matter. In that connection, the Group looked forward to receiving the information requested from the representative of the Legal Counsel in the informal consultations held the previous day.

15. The Group supported the Advisory Committee's recommendation regarding the proposed conversion of the $26 million commitment authority approved for the biennium 2004-2005 into an assessment with appropriation. It wished to be provided with a timetable for the expenditure of the amount approved and a breakdown of the areas in which those funds would be used.

16. **Ms. Buchanan** (New Zealand), speaking also on behalf of Australia and Canada, said that the renovation of the Headquarters building must be undertaken as a matter of priority. Failure to respond adequately to the Secretary-General's proposals would put the entire capital master plan in jeopardy. In order to preserve the project and the timeline, the design work and the preparation of the construction documents must proceed as scheduled. All delegations must therefore support the Secretary-General's request for appropriation of the $26 million for which commitment authority had already been granted.

17. She welcomed the Secretary-General's efforts to explore ways to reduce the cost of the project to Member States and urged the Committee to authorize him to conclude an agreement with the host country accepting its loan offer. While it made sense to keep that option open, paying by assessment appeared more economical than taking out an interest-bearing loan. It was therefore surprising that so little attention had been devoted to that option in the Secretary-General's report. The Secretariat should elaborate more fully on payment by direct assessment in the third progress report. No final decision could be taken without that information.

18. Clearly, UNDC-5 was no longer a viable swing space option. Finding the best available temporary accommodation for the Organization's staff and the conduct of its intergovernmental business would be a priority when the Committee next discussed the capital master plan. Consolidation would enhance security, while contributing to organizational efficiency and effective coordination, and was certainly worth exploring. However, it was questionable whether UNDC-5 remained the unique opportunity claimed, particularly in the light of the cost increases, the unwillingness of the New York state legislature to provide the necessary authorization and the lack of the anticipated triple tax-free status for the bonds that would finance construction of the building. Given the complications of operations outside the United Nations perimeter, the Secretariat should explore the option of using the North Lawn as a location for both temporary relocation of conference facilities and permanent consolidation.

19. **Mr. Torres Lépori** (Argentina), speaking on behalf of the Rio Group, said that the Group shared the concerns expressed by the representatives of Jamaica and Belgium on behalf, respectively, of the Group of 77 and China and the European Union. In that connection, it wished to reiterate the request it had made at the first part of the resumed session for an explanation of the legal implications of authorizing the Secretary-General to conclude a loan agreement with the host country. The Group was committed to providing a safe and healthy workplace for the Organization's staff so that they could continue to carry out with professionalism the tasks assigned to them. Given the huge financial, legal and political implications of the Committee's eventual decision on the capital master plan, the lack of data from the Secretariat was cause for concern. Moreover, the Committee had been given conflicting information

over the previous year regarding the amount that would have to be converted into an appropriation in order to cover the costs of the design work. The Group continued to have many doubts and questions about the project, which it intended to raise in informal consultations. It looked forward to clear and direct answers from the Secretariat.

20. **Mr. Iosifov** (Russian Federation) expressed regret at the lack of progress on such key issues as the funding arrangements for the capital master plan, the timetable for the renovation, and the construction of swing space. In the meantime, the cost of the project was escalating. Acceptance of the host country's loan offer would result in a considerable financial burden for Member States. If no interest-free loan was available, as appeared to be the case, the Russian Federation would be prepared to bear its share of the capital master plan costs by paying contributions directly assessed on it as the project proceeded. Indeed, payment by direct assessment would be the most cost-effective means of financing the project. Funding options entailing the payment of interest would be unacceptable to the Russian Federation.

21. At the same time, bearing in mind that some Member States might support using the loan offered by the host country, his delegation would be prepared to discuss compromise solutions involving mixed funding arrangements whereby Member States could choose between paying assessed contributions or participating in the loan agreement. The Secretariat had given an assurance in informal consultations that such arrangements would be practicable. The question of whether to authorize the Secretary-General to conclude an agreement with the host country in order to preserve the option of drawing down the loan should be considered in conjunction with a final decision on the funding arrangements. He noted that conclusion of such an agreement would not create any financial or legal obligations for the United Nations.

22. The delays in securing a site for the construction of the swing space building were cause for concern. His delegation would have expected greater involvement by the host country in resolving that problem, particularly given the impact on the timing of the project. Over the 60 years of its existence, the United Nations had become a fixture of the host country's political landscape and an integral part of the economy of the city and state of New York. The continuing uncertainty surrounding the swing space building was therefore perplexing.

23. Lastly, his delegation would have no objection to the approval of the Secretary-General's request to convert into an appropriation the $26 million commitment authority previously granted by the General Assembly.

24. **Mr. Berti Oliva** (Cuba) said that the agenda item under consideration was of particular interest to Member States, since improving the facilities and services at Headquarters would enhance the legislative process. However, the financial burden of those improvements, particularly for the developing countries, some of which had witnessed significant increases in their assessed contributions following the adoption of General Assembly resolution 55/5, must be closely monitored.

25. He had noted with concern that the report currently before the Committee had been submitted prior to the General Assembly's official receipt of the host Government's letter of 15 March 2005, on the basis of which it had been prepared. Consequently, he would be grateful if that letter could be circulated as an official document of the United Nations in all six official languages.

26. The host country's offer of a loan did not meet the expectations of the General Assembly as set out in document A/59/441. If the offer was accepted, Member States would be responsible for repaying, in the form of interest, more than double the original loan amount. That course of action was unacceptable to Cuba. General Assembly resolution 57/292 had been adopted on the understanding that the host country would offer an interest-free loan to the Organization. It was unfortunate that, despite the considerable advantages for the host country of having the United Nations Headquarters in its territory, it had not made such an offer.

27. He was struck by the development of the issue in the various reports of the Secretary-General. In document A/59/441, the Secretary-General had appeared to favour an interest-free loan but had taken the view that an interest-bearing loan was the only feasible option. However, in the addendum to that report (A/59/441/Add.1), it was taken as read that the current offer was the only viable option for Member States. In that connection, he requested that the studies conducted to determine possible financing options

should be circulated to the Committee as a conference room paper. He also wished to know which financial institutions had been contacted to provide the advice mentioned in paragraph 7 of the report contained in document A/59/441/Add.1 and enquired about the fees for such advice. The General Assembly had requested the Secretary-General to establish an advisory board to advise on financing matters and overall project issues. However, the absence of any reference to that board in the report constituted a failure to comply with paragraph 19, section II, of General Assembly resolution 57/292.

28. He deeply regretted the continued absence of a clear vision of the future of UNDC-5. It had been his understanding that the capital master plan involved moving the Organization's activities to provisional locations while the Headquarters building was being renovated. However, if that was no longer the case, he wondered how the final cost of the plan to Member States, or the duration of the refurbishment process, could be estimated.

29. Lastly, he had taken note of the Secretary-General's request for authorization to sign an agreement with the host country in order to preserve the Organization's option to take advantage of the loan offer. However, given the legal, political and financial implications of the signature of such an agreement and in light of the request for written information from the Office of Legal Affairs, the discussion of the agenda item should not be concluded until he had had the opportunity to consult with his capital.

30. **Ms. Wang** Xinxia (China) recalled that when, at its fifty-seventh session, the General Assembly had taken the decision to proceed with the capital master plan, there had been great expectations that the host country would provide an interest-free loan to fund the plan and that the City of New York would provide, free of charge, a piece of land for the construction of a swing space. Unfortunately, those hopes seemed to have faded and Member States were now faced with two equally unattractive options: retaining an ageing building in urgent need of repair and a strengthened security infrastructure or proceeding with the implementation of the plan despite the radically changed terms of the host Government's offer.

31. A number of issues discussed in the Secretary-General's report required further clarification. For instance, the total estimated cost of the swing space arrangement might very well be different from those given by the Secretariat. It was difficult to imagine moving forward with the refurbishment of the Headquarters complex before those questions were resolved.

32. The report provided a number of financing options, most of which focused on the host Government's offer of an interest-bearing loan. The Secretary-General had recommended that legal action should be taken to accept that offer and Member States had been left with little choice in the matter, since they had not been given enough time to engage in substantive discussion on the advisability of that course of action or to fully explore alternative arrangements. Such working methods were perplexing, particularly since, according to the Office of Legal Affairs, signing an agreement with the host country would have legal consequences and, as such, should be approached with caution. China had reservations about the acceptance of loans by the United Nations and was willing to continue to explore other acceptable financing proposals.

33. **Ms. Zobrist Rentenaar** (Switzerland) reiterated her delegation's support for the capital master plan. In view of the precarious physical condition of the Headquarters complex and the need to ensure the security and safety of its staff, it was imperative to proceed rapidly with the plan's implementation. However, given the many uncertainties concerning the swing space and the various financing options, the total cost of the project remained unclear. A thorough discussion of all aspects of the project must therefore take place at the Assembly's sixtieth session.

34. In light of Switzerland's extensive experience with different financing options for the construction and renovation of the premises of international organizations and consistent with its long-standing policy in Geneva, her delegation would clearly have favoured the option of an interest-free loan from the host Government, but, given the realities of the situation on the ground, it was now leaning towards the option of cash payment through assessed contributions. Nevertheless, it seemed prudent to keep all options open and the information provided in the Secretary-General's report and by the Office of Legal Affairs concerning the terms of the host Government's offer was sufficiently clear to allow her delegation to agree to the proposed course of action. Switzerland also supported the conversion of the full amount of the

commitment authority of $26 million into an appropriation with assessment.

35. Although the Committee was not required to make an immediate decision on the various swing space options, her delegation was concerned about the delays and obstacles affecting UNDC-5. Originally regarded as the most desirable solution in terms of, inter alia, project costs and duration, it was clearly no longer a viable option. Even its retention as a consolidation building was questionable, since the economic terms currently offered by UNDC meant that, on a net present value basis, the cumulative break-even would not occur until 2043. In those circumstances, the option of erecting a temporary or even permanent building on existing United Nations premises should be explored.

36. **Ms. Shah** (United States of America) said that, as host country, the United States wished to provide a safe and secure environment for delegates and staff working at United Nations Headquarters. Consequently, the Committee must act during the current session to authorize the Secretary-General to sign a loan agreement with the United States Government, thereby preserving the option of borrowing up to $1.2 billion at an interest rate not to exceed 5.54 per cent per annum. The loan offer would expire on 30 September 2005, the end of the United States fiscal year, and could not be extended beyond that date.

37. If the Secretary-General signed the agreement, the United Nations would not be under any obligation to draw down the funds. It could choose not to use the loan at all and seek other funding options and could even use the loan as collateral for obtaining funds from other sources at a lower rate of interest. However, having the agreement in place left the option of the loan open for further consideration. If the General Assembly ultimately decided to finance the capital master plan through alternate means and no funds were drawn down, the United Nations would have no financial obligation to the United States Government. If, however, the General Assembly decided that the loan was the best available option, the funds would be immediately available. There was no time limit on the loan until the first funds were obligated and disbursed to the United Nations and the General Assembly could also decide on the duration of the repayment period.

38. With regard to alternative financing, it was her delegation's understanding that the United Nations would need to have at least 60 per cent of construction funds available when it concluded construction contracts. Without the loan from the United States, and if the project was to stay on schedule in 2006, Member States would be assessed for 60 per cent or more of the total cost of the capital master plan. Furthermore, since the Organization would still require funding to cover the remaining costs, contractors would seek a higher charge for their work, which would raise the overall cost of the project.

39. Lastly, according to the Secretary-General's report, the design development phase was progressing on target and a further appropriation was now needed to fund the construction documents phase. The Committee must therefore fulfil the commitment it had made in 2002 and take action to convert the commitment authority of $26 million into an appropriation to ensure that work on the capital master plan would proceed on schedule.

40. **Mr. Pulido León** (Bolivarian Republic of Venezuela) said that his delegation wished to associate itself with the statements made by the representative of Jamaica on behalf of the Group of 77 and China and by the representative of Argentina on behalf of the Rio Group. Venezuela shared other delegations' concerns about the legal, political and financial implications of the proposed loan agreement and recalled that, at its fifty-seventh session, the General Assembly had agreed to a loan from the host country on the understanding that it would be interest-free. Consequently, any financing arrangements involving an interest-bearing loan from the United States would be unacceptable. While his delegation did not object to authorizing the Secretary-General to send a letter to the United States Government expressing appreciation for the offer of a loan and stating that further consideration would be given to that offer, it was not prepared to authorize him to enter into any kind of agreement with the host country that entailed accepting the terms of an interest-bearing loan.

41. His delegation had no objection to converting the commitment authority of $26 million approved for the biennium 2004-2005 into an appropriation with assessment and was prepared to pay its assessed contributions, provided that the Secretariat could demonstrate that the funds were necessary. However, since November 2004, the Committee had been given a number of conflicting accounts of estimated requirements and, during the first part of the resumed

session, the Secretariat had stated that no additional funds would be necessary during the current biennium because the design phase of the capital master plan had been delayed. To clarify matters, the Secretariat should submit a summary of all payments due between May and December 2005 and indicate how those payments would be made. His delegation supported the Advisory Committee's recommendation that only $17.8 million of the previously authorized commitment authority should be appropriated and assessed at the current stage.

42. **Mr. Ramlal** (Trinidad and Tobago) noted that, owing to time constraints, the Advisory Committee had had to give an oral report on the capital master plan. In that connection, he wished to place on record his concerns about the way in which the Fifth Committee had been conducting its substantive work. As the Advisory Committee had stated in document A/59/736, greater attention must be paid to the planned timing of agenda items in order to ensure that they were considered properly.

43. Turning to the capital master plan, he echoed the concerns expressed by other delegations regarding transparency, uncertainty and the failure to provide detailed information. The situation was all the more incomprehensible because the fundamental parameters on the basis of which the General Assembly had approved the original design and management proposals for the plan had changed considerably.

44. In document A/57/7/Add.4, the Advisory Committee had pointed out that the Organization had not resorted in the past to commercial borrowing and that it did not find any compelling reason to change that practice. He had taken note of the remarks made by the representative of Belgium on behalf of the European Union and his delegation would approach all issues relating to the capital master plan in a constructive manner, including the proposed conversion of the commitment authority into an appropriation. The Secretary-General's third progress report should provide additional details on the option of funding the plan through assessed contributions from Member States.

45. **Mr. Ivanou** (Belarus) said that, while he had not received final instructions from his Government, he did not believe that Belarus would agree to fund the plan through an interest-bearing loan. If an interest-free loan was not forthcoming, he would be inclined to favour the cash payment option, but the proposals made by the representative of the Russian Federation also merited consideration, since they would allow for more flexibility and would therefore enable the Committee to reach an expeditious agreement on the issue.

Agenda item 114: Human resources management (*continued*)

Agenda item 123: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

Special measures for protection from sexual exploitation and sexual abuse (A/59/782)

Investigation by the Office of Internal Oversight Services into allegations of sexual exploitation and abuse in the United Nations Organization Mission in the Democratic Republic of the Congo (A/59/661)

Programme budget implications of draft resolution A/C.4/59/L.20: Comprehensive review on a strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations (A/C.4/59/L.20)

46. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management), introducing the Secretary-General's report on special measures for protection from sexual exploitation and sexual abuse (A/59/782), said that the report presented data collected by the Office of Human Resources Management on allegations of sexual exploitation and sexual abuse in the United Nations system in the period from January to December 2004 and provided details on the status of investigations into those allegations. It also described efforts under way to prevent such acts.

47. Since the previous year, some improvements had been made in the tracking of allegations and in standardizing terminology and categorization. The number of allegations had increased substantially, which, given the staff's increased awareness of the seriousness with which sexual exploitation and abuse were regarded, was to be expected. In addition, the reporting process itself had become more widely known, and the number of reports was expected to rise further as the data-collection system became more effective. Consequently, efforts to address incidents of

sexual exploitation and abuse, and ultimately to prevent their occurrence, must be ever more sustained and serious.

48. Focal points, who helped to coordinate awareness and training on the issue of sexual exploitation and abuse and also established complaints mechanisms, had now been appointed in most peacekeeping missions, departments and offices. The guidelines and terms of reference for focal points, which had been approved by the Office of Human Resources Management in 2004, had been disseminated. However, United Nations entities with field offices recognized that local populations needed to be better informed about the focal points and the procedures for reporting allegations and should be assured of protection once they had reported an incident.

49. In 2004, most allegations had involved military personnel from the Department of Peacekeeping Operations. Sexual exploitation and abuse problems in peacekeeping settings differed in type and scope from those arising in most other work environments and must therefore be addressed differently. To that end, the Department of Peacekeeping Operations had implemented a wide range of measures, including strict non-fraternization policies and curfews for military contingents, increased monitoring of off-limits areas and premises, and training programmes. In addition, the post of Personnel Conduct Officer had been established in four peacekeeping missions and the Committee was encouraged to support the establishment of Personnel Conduct Units at Headquarters and in peacekeeping missions in order to further strengthen efforts.

50. As a measure of the seriousness with which the United Nations viewed the issue of sexual exploitation and abuse, the Secretary-General had, in July 2004, invited Prince Zeid Ra'ad Zeid Al-Hussein of Jordan to act as his Adviser on sexual exploitation and abuse by United Nations peacekeeping personnel. Prince Zeid had prepared a comprehensive strategy and recommendations for action aimed at eliminating those problems and his report had been endorsed by both the Fourth Committee and the Special Committee on Peacekeeping Operations. The latter had also endorsed the standards contained in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) as the common standards for all categories of personnel in peacekeeping operations.

51. The recommendations for action contained in Prince Zeid's report would be taken up by the interdepartmental task force created in late 2004 by the Department of Peacekeeping Operations, which focused on producing policy and other guidance on training, welfare, public information and communications and data management and reporting. The recommendations would also figure on the agenda of the task force on sexual exploitation and abuse set up by the Executive Committee on Humanitarian Affairs and the Executive Committee on Peace and Security Task Force in early 2005. That task force would coordinate system-wide efforts to address sexual exploitation and abuse and, in particular, to establish the responsibilities of senior management in that regard. It would also endeavour to create a stronger support environment for dealing with allegations, both at Headquarters and in the field.

52. In his report, the Secretary-General reiterated his commitment to preventing sexual exploitation and abuse and to changing the organizational culture which had permitted it to take place. He also asked Member States for a renewed commitment to ensuring that all their nationals who were employed by the United Nations were properly informed about the parameters, rules, and repercussions of incidents of sexual exploitation and abuse.

53. **Ms. Dixon** (Officer-in-Charge of the Office of Internal Oversight Services) introduced the report by the Office of Internal Oversight Services (OIOS) on its investigation of allegations of sexual exploitation and abuse in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (A/59/661), which OIOS had prepared following the request by the Under-Secretary-General for Peacekeeping Operations and the Special Representative of the Secretary-General for MONUC that it investigate media reports in 2004 of sexual exploitation and abuse of Congolese women and girls by United Nations peacekeepers. In 2004, a multinational team of 11 professional investigators had spent four months in Bunia investigating the allegations. Due to the non-specific nature of most of the allegations, the team had spent several weeks trying to trace the original sources in order to obtain specific details regarding the alleged perpetrators or victims. The methods used by the investigators had included interviews (with Congolese women and girls, the young Congolese men who had facilitated the encounters and aid workers),

observations, photo arrays and physical line-ups. The interviews had confirmed that sexual contact with peacekeepers had occurred regularly, usually in exchange for food or small sums of money. Many of the contacts had involved girls under the age of 18, with some as young as 13. Many of the 72 allegations originally reported to MONUC could not be substantiated or even fully investigated. Nonetheless, OIOS had been able to prepare 20 case reports, 19 of which involved peacekeepers from three continents. In six cases, the allegations had been fully substantiated; in two cases, the evidence, though convincing, had not been fully substantiated; and in the remaining 11 cases, the evidence received had not been corroborated. The case involving a contingent member working in Bunia had been substantiated. However, interviews had revealed a pattern of sexual exploitation by peacekeepers contrary to the Code of Personal Conduct for Blue Helmets and to the code of conduct of MONUC itself. According to the report, one of the main contributing factors to the problem had been poverty combined with the chaos and displacement caused by violent conflict, which had rendered women and children particularly vulnerable to sexual exploitation. However, the poverty in no way excused the behaviour of peacekeepers or the failure of Mission managers to address problems when they had first arisen. The report made eight recommendations, which included action against those responsible and a strong prevention programme in MONUC and elsewhere, and were designed to encourage programmes and systems for all missions. The Department of Peacekeeping Operations had accepted the recommendations. However, OIOS was still waiting to be advised of the status of implementation and remained concerned about the growing numbers of reports of sexual exploitation and abuse in peacekeeping missions.

54. **Mr. Sach** (Controller) introduced the Secretary-General's statement on the programme budget implications of draft resolution A/C.4/59/L.20 (A/C.5/59/28), which endorsed the proposals, recommendations and conclusions of the Special Committee on Peacekeeping Operations (A/59/19/Add.1) following the report by the Secretary-General's Adviser on sexual exploitation and abuse by United Nations peacekeeping personnel (A/59/710). The statement considered the financial implications of the actions described in section II.A, B, F to K and N of the Special Committee's report.

55. With respect to Headquarters, in addition to the requirements of $1,218,700 proposed in the support account budget for 2005/06, approval was sought for an additional $206,600 for post and non-post resources, relating to six additional months of general temporary assistance at the P-4 level for the functions of a Legal Officer (P-4) in the Administrative Law Unit of the Division for Organizational Development and an additional Legal Officer (P-3) post in the Policy Support Unit of the Division for Organizational Development.

56. With respect to peacekeeping missions, in addition to the requirements of $3,326,800 for the establishment of 22 posts in MONUC, the United Nations Operation in Côte d'Ivoire (UNOCI), the United Nations Office in Burundi (UNOB), the United Nations Mission in Liberia (UNMIL), the United Nations Stabilization Mission in Haiti (MINUSTAH) and the United Nations Mission in the Sudan (UNMIS), which had been or would be proposed in the respective mission budget for 2005/06, approval was sought for the establishment of three posts for an amount of $379,600 for the United Nations Mission in Sierra Leone (UNAMSIL) and the establishment of an additional 27 posts in MONUC, UNOCI, ONUB, UNMIL and MINUSTAH. The cost of the latter posts would be absorbed in the proposed budgets of the respective missions for 2005/06. The addendum to the Secretary-General's statement (A/C.5/59/28/Add.1) outlined, for OIOS, the budgetary implications and/or consequential changes in the support account budget for 2005/06 arising from the preliminary review of the implementation of the recommendations contained in paragraph 30 of the Special Committee's report. Approval was sought for an additional requirement of $3,921,600 under general temporary assistance for the 25 positions in New York, Vienna, Nairobi and various peacekeeping missions and for an additional amount of $364,200 for non-post resources relating to those positions, both of which were to be included in requirements for OIOS in the support account for 2005/06.

57. **Mr. Kuznetsov** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/59/789), said that the Secretary-General's statement (A/C.5/59/28) was lacking in analysis and did not appear to be based on any clear policy. The Secretariat needed to develop a

well-defined, comprehensive and coherent policy for all United Nations activities, both at Headquarters and in the field. The policy should fully reflect the Special Committee's conclusions and include well-defined implementation procedures for enforcement and accountability, and requirements should be properly analysed and presented. The Secretariat should justify requests for additional resources, bearing in mind the Special Committee's call to avoid duplication of resources and functions, and clearly demonstrate that existing capacity and resources had been fully taken into account. The policy should also reflect the differing requirements for each mission. There was also a need for clearly delineated functions, and close coordination and cooperation, vis-à-vis OIOS. The Advisory Committee was fully cognizant of the importance of the issue under consideration. However, it should be emphasized that A/C.5/59/28 was not a budget document, but a statement of programme budget implications which itself stated that, should the draft resolution be adopted, there would be no need for any additional appropriation at the current stage, as additional requirements would either be absorbed in existing budgets or separately requested in budgets to be considered at the sixtieth session of the General Assembly. Thus, implementation of the Advisory Committee's recommendation (para. 12) that the additional human resources requested be provided through general temporary assistance, without prejudice to such decisions as the General Assembly might eventually take on specific requests for posts and related resources in the context of the relevant budgets, should not in any way impede the effective implementation of urgent measures to eliminate sexual exploitation and abuse. In his opinion, it should not be necessary to provide additional financing for temporary assistance at full cost, should the Secretariat indicate such a need. The entry date for staff hired to carry out urgent functions would most likely be the same whether they were paid from general temporary assistance or placed against an established post. If in some cases that was not so, such additional financial requirement as might arise could be reported in the relevant performance report.

58. Orally reporting on the addendum to the Secretary-General's statement (A/C.5/59/28/Add.1), which related to OIOS, he recalled that in paragraph 9 of its report the Advisory Committee referred to the marked absence in the statement of programme budget implications of the required investigative and related responsibilities of OIOS and regretted the late engagement with OIOS in view of its mandated investigative functions, as reconfirmed in resolution 59/287. The Advisory Committee noted that the estimates contained in the Secretary-General's statement involved general temporary assistance rather than posts, which was in line with the approach recommended by the Advisory Committee, pending a clear policy on sexual exploitation and abuse for all United Nations activities, both at Headquarters and in the field. The Advisory Committee would expect such a policy to be developed by January 2006, in time for its 2006 winter session and for the second part of the resumed sixtieth session. The estimated additional requirements outlined in paragraphs 18 to 35 of the addendum would arise under the support account for peacekeeping missions. The Advisory Committee had commented on investigative capacity, including the establishment of resident investigator teams in peacekeeping missions (paras. 97-99) and on the proposal for a new Personnel Conduct Unit at Headquarters (paras. 41-43) in its report on the support account (A/59/784), which was still before the General Assembly. As before, the Secretariat should justify requests for additional resources, bearing in mind the need to avoid duplication and demonstrate clearly that existing capacity and resources had been fully taken into account. While it was understandable that such information had not been included in the addendum, given the short time lapse between the two documents, the Advisory Committee would expect the Secretary-General to fully address those concerns in the proposals he would submit in response to the Advisory Committee's report. In that connection, the Advisory Committee had been informed that the Secretariat had established a working group to consider changing and/or updating procedures for handling sexual exploitation and abuse cases and to ensure information sharing among OIOS, the Department of Peacekeeping Operations and military and civilian police components. The working group was also considering possible changes in the terms of the status-of-forces agreement (SOFA) and the memorandum of understanding (MOU). A draft revised model MOU would be submitted to the Special Committee at its 2006 session. In addition, paragraph 27 of the addendum provided information on cooperation between OIOS and the Department of Peacekeeping Operations with regard to the operation of the proposed

Personnel Conduct Units in a number of peacekeeping operations.

59. The Advisory Committee trusted that speedy and identifiable progress would be made in those areas and reflected in the report to be submitted in January 2006. Protracted inter-organizational bickering should be avoided. In particular, it was essential to provide the proper legal framework for close cooperation between the United Nations and troop-contributing countries with regard to developing and implementing an effective and comprehensive policy to eliminate sexual exploitation and abuse, and to clearly define the respective roles of OIOS and the Department of Peacekeeping Operations.

60. Given the lack of hard data to support requests for additional human resources, an appropriate data management and tracking base still needed to be developed. As far as he understood, data for MONUC and UNMIL that was probably incomplete and/or not fully substantiated had been extrapolated to provide projections for other missions for which specific resources were estimated in the Secretary-General's statement. The Advisory Committee expected careful attention to be paid in the coming months to developing an accurate database and reliable analysis of the problem facing the United Nations. Only then could a realistic approach be developed. Again, it was important to distinguish the individual needs of particular missions. The Advisory Committee was not recommending reducing the amount of general temporary assistance estimated for the requirements of OIOS to implement the draft resolution, but felt that, if approved, such resources should be used to meet the most urgent requirements, including the elimination of any backlog, pending the development of the policy called for and the preparation of fully justified proposals. General temporary assistance resources should be used with maximum flexibility and called upon only as the need arose. That being said, the Secretariat should revisit plans to allocate five positions to UNMIS, with an emphasis on prevention, training and strong discipline and with investigative resources being phased in as necessary in the light of developments. As for additional resources for regional hubs in Geneva and Nairobi, the already considerable capacity there had recently been strengthened. Moreover, as yet there was no firm data concerning requirements at the missions to be covered by those hubs. The Advisory Committee was sceptical about providing a General Service post at Headquarters to serve as a focal point. The matter should be rethought and a new proposal made in the context of the next report.

61. Again, such additional resources as might be approved should be used flexibly, either in the areas referred to in the Secretary-General's statement or elsewhere as developments dictated, and only as the need arose. With prudent management, savings should therefore be possible. Future needs could be assessed in the light of the policy to be developed, which should clearly define the organizational and managerial framework for the resources required to eliminate sexual exploitation and abuse and other misconduct. In the meantime, such general temporary assistance as might be approved should be without prejudice to any decisions the General Assembly might eventually take on specific requests for posts and related resources. Estimated requirements under other objects of expenditure were consequential to the request for general temporary assistance, but should be utilized with due regard for efficiency and economy and for the fact that such assistance was to be used in a phased manner. No additional provision had been estimated for travel, as considerable travel capacity already existed. Accordingly, the Advisory Committee recommended that the Committee should inform the General Assembly that, should it adopt the draft resolution, there would be a further requirement under the support account for peacekeeping operations for 2005/06 of up to $4,285,800.

62. **Mr. van den Bossche** (Belgium), speaking on behalf of the European Union, the acceding countries (Bulgaria and Romania), the candidate countries (Croatia and Turkey), the stabilization and association process countries (Albania, Serbia and Montenegro and the former Yugoslav Republic of Macedonia), and, in addition, Iceland and Liechtenstein, said that the European Union was convinced of the extreme importance of addressing sexual exploitation and abuse in a just, effective and timely manner. The Secretary-General must take the necessary steps to bring the perpetrators to justice, institute a genuine culture of accountability for management and prevent such abuses happening in the future. The Secretary-General's requests for posts in various fields of activity did not give the impression of a comprehensive, strong, unified strategy to root out sexual exploitation and abuse. While he understood that discussions were

ongoing between various departments, he trusted that due attention would be given to implementing resolution 59/287, which stressed that sexual exploitation and abuse fell within the competence of OIOS. A clear delineation of responsibilities and mandates was essential in that regard. The European Union fully supported the political message given by the Special Committee, which focused on achieving a balance between awareness-raising and prevention, investigative capacities and zero-tolerance, and effective enforcement, and had noted the Secretariat's proposals in that regard. It was ready to approve during the current session the resources needed to address the issue. The Committee needed to provide adequate resources now, taking into account the recommendations of both the Special Committee and the Advisory Committee. In order to address the issue in an effective and balanced manner, Member States, particularly troop-contributing countries, the relevant Secretariat departments and mission managers needed to be involved at all stages. While the current debate focused on the immediate financing needs to establish that balance, he urged all the relevant parties to develop an overall policy framework to deal with the issue in a systemic way. Additional elements such as the proposed role of regional and resident investigators, which the European Union supported in principle, would form an integral part of deliberations.

63. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that she was very concerned about reports of sexual exploitation and abuse by peacekeeping personnel, particularly given that, according to the Secretary-General's report on special measures for protection from sexual exploitation and sexual abuse (A/59/782), the number of allegations registered in 2004 was more than double the number that had been reported in 2003. There could be no excuses or compromises for such misconduct. The Group had noted the Secretary-General's efforts to implement measures to discourage exploitation and abuse and to facilitate their reporting and investigation. The Group had also taken note of the recommendations of OIOS, which dealt primarily with administrative and managerial policies and guidelines and with the system for implementing such policies. Other aspects raised by the Adviser to the Secretary-General on sexual exploitation and abuse by United Nations peacekeeping personnel (A/59/710) would be resolved only through a comprehensive strategy to eliminate future sexual exploitation and abuse. The Group would examine the proposals put forward by the Secretary-General and the Advisory Committee during informal consultations.

64. **Mr. Torres Lépori** (Argentina), speaking on behalf of the Rio Group, said that it was time for the United Nations to address, in a responsible manner, facts that in the past had not been given the attention they deserved. The Rio Group would approach the issue with extreme care so that appropriate decisions were taken to prevent sexual exploitation and abuse. The Group had taken note of the Secretary-General's proposals. The issue needed to be addressed in a coordinated manner that allowed for the proper distribution of responsibilities. In that regard, he would appreciate more detailed information concerning the way in which sexual exploitation and abuse would be dealt with in peacekeeping operations. The issue also needed to be addressed at the highest levels, both in the field and at Headquarters, in order to clearly reflect the Secretary-General's zero tolerance policy. He hoped that the report by the group of legal experts, as recommended by the Special Committee (A/59/19/Add.1), would soon be available so that it could be discussed at the General Assembly's sixtieth session. In the light of the Advisory Committee's comments, the Group would study the proposals to reinforce the investigative capacity of OIOS, in line with resolution 59/287. In the meantime, he hoped that the Group's ongoing concerns about the proposed Personnel Conduct Units would be duly addressed during informal meetings. Lastly, the Group would appreciate more detailed information about coordination between the Department of Peacekeeping Operations and OIOS and the distribution of responsibilities as well as about the specific functions of each component of the proposed structure and the chain of responsibility for receiving complaints and applying standards of conduct. The Rio Group hoped that the issue would be addressed in a responsible and constructive manner so that the necessary measures could be adopted to put an end to sexual exploitation and abuse, which were a serious blemish on the good name of the United Nations and its peacekeeping operations and jeopardized its efforts to promote international peace and security.

65. **Mr. Stagno Ugarte** (Costa Rica) said that it was shameful that it had taken four years since the first formal investigation into cases of sexual exploitation and abuse in peacekeeping operations for the Organization to address the issue directly and that the

Administration had not informed Member States about the ongoing situation in an appropriate and timely manner. Speaking about sexual exploitation and abuse, especially of girls and boys, had been a taboo in the Organization. It was time to change the culture of silence that had developed and was currently shaming the Organization.

66. His delegation deplored the inefficiency of the existing mechanisms to prevent, investigate and follow up on such offences. A number of points should therefore be taken into consideration in discussions on the current item as well as on cross-cutting issues and the support account for peacekeeping operations.

67. First among them was the need for zero tolerance of sexual exploitation and abuse and of complacency and impunity. To combat complacency, an effective system of accountability in the management structure of the missions and at Headquarters was needed at all levels of authority that would hold responsible any person who was silent about or concealed such wrongdoing. Mechanisms must also be established that would enable cases to be referred to the relevant tribunals to prevent impunity.

68. The second concerned investigative capacity. General Assembly resolution 59/287 granted OIOS the authority to report to Member States on sexual exploitation and abuse as an independent body. His delegation could not accept the establishment of various units with varying investigative capacities, as it might undermine the gathering of evidence and make investigations susceptible to political or personal influence. It therefore supported granting the resources sought by OIOS and recognized that the Office had primary responsibility in the area of investigations.

69. Thirdly, his delegation would like clear and precise information on the organizational structure for the consideration and follow-up of claims made, the implementation of established polices and the application of the code of conduct. Duplication and overlapping of functions and resources must be avoided. The Special Representatives of the Secretary-General at the missions and senior officials in the field must be personally committed to and assume responsibility for decision-making on the matter.

70. Fourthly, his delegation noted with interest the proposal on standardizing codes of conduct which would be considered at the sixtieth session of the General Assembly. It would appreciate clear information on the progress made by and interaction among the Department of Peacekeeping Operations, the multidisciplinary task force, OIOS and organizations and agencies.

71. **Ms. Kang** Kyung-wha (Republic of Korea) said that sexual exploitation and abuse in peacekeeping missions was a grave matter that went to the heart of the credibility and effectiveness of the United Nations. Troop-contributing countries must do all they could to train their troops and punish perpetrators. Furthermore, commanders and managers should lead by example, and they needed to be held more accountable for incidents of gross sexual exploitation and abuse committed by personnel under their authority. The Secretariat must devise effective measures to attain the zero-tolerance policy on sexual exploitation and abuse as proclaimed by the Secretary-General.

72. Her delegation was deeply troubled that the number of cases of alleged sexual exploitation and abuse by United Nations personnel had increased in 2004. The Secretary-General's report on special measures for protection from sexual exploitation and sexual abuse (A/59/782) and on the investigation by OIOS into allegations of sexual exploitation and abuse in MONUC (A/59/661) revealed a shameful reality on the ground, where sexual exploitation and abuse persisted and there were doubts over the seriousness with which the measures to deter, respond to and report incidents had been implemented. Her delegation therefore fully supported the Fourth Committee's endorsement of the proposals, recommendations and conclusions contained in the report of the Special Committee on Peacekeeping Operations and its Working Group on the 2005 resumed session (A/59/19/Add.1).

73. Her delegation placed particular emphasis on the Special Committee's recommendation for the establishment of professional and independent investigative capacity within the administrative authority of the United Nations. Strengthened preventive measures, including training, welfare and recreation, data management, and public information, would help to reduce the number of future incidents. Without a clear commitment to and follow-up on investigations into incidents, however, prevention would have little effect.

74. While her delegation fully appreciated the need for strengthened capacity to investigate allegations of

sexual exploitation and abuse at missions, it was difficult to understand the overall picture from the disjointed information contained in the many statements of programme budget implications. Her delegation stood ready to support additional posts if they were essential. Every effort must be made, however, to avoid duplication of resources and functions. It was not clear from the statements of programme budget implications whether the Personnel Conduct Officers and OIOS investigators were cooperating to discourage and eliminate misconduct, as they should. To maximize value and avoid waste, budget requests should be based upon a careful analysis of the possible synergies between strengthened investigation and the work of the Personnel Conduct Officers. While her delegation was ready to approve the budget requested for immediate action, it urged the Secretariat to take a long-term, system-wide approach to eliminating sexual exploitation and abuse.

75. **Mr. Mazumdar** (India) said that the revelations of sexual exploitation and abuse by United Nations personnel rightly occasioned outrage and condemnation. His delegation therefore commended the timeliness of the report on a comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations (A/59/710), which provided a broad overview of the issue and put forward wide-ranging recommendations.

76. With respect to the programme budget implications of the draft resolution on the item (A/C.4/59/L.20), the establishment of new Personnel Conduct Units and creation of new posts alone would not adequately address the issues involved. The problem of sexual exploitation and abuse could be eliminated only through a management culture of zero tolerance of such acts and strict enforcement of codes of conduct.

77. Resource requirements should follow the development of a policy framework rather than the converse. Many of the actions that the Secretariat was required to undertake did not involve new mandates or functions. Member States expected the Secretariat to provide core management and to carry out functions that should not be farmed out to new entities.

78. In addition, the proposals of the Secretary-General did not address the question of how existing capacities, including dedicated Child Protection and Gender Advisers, should be used. His delegation encouraged the Department of Peacekeeping Operations to work with other entities in the Secretariat to utilize existing expertise and capacities and to avoid duplication. Even when new posts were required, there would be a need to consider carefully whether they should be created within the Department of Peacekeeping Operations or outside of it.

79. With respect to the Personnel Conduct Units, the Special Committee requested the Department of Peacekeeping Operations to be mindful of the need to fully utilize existing capacities. The basic approach of the Department of Peacekeeping Operations to the establishment of more posts was therefore flawed as were the resource requirements put forward.

80. In its report (A/59/661), OIOS called on managers to become more involved in preventing sexual exploitation and abuse. The measures proposed required enforcement and not more posts. If there was any need for dedicated capacity in missions, it was in the area of investigations, which should be independent of the Department of Peacekeeping Operations. In that context, his delegation noted with concern the apparent reluctance of the Department of Peacekeeping Operations to consult with OIOS on those issues, as noted by the Advisory Committee. His delegation welcomed the OIOS proposals in that regard, as set out in document A/C.5/59/28/Add.1, and commended the Office's approach, which was to seek general temporary assistance to enable it to deal immediately with the cases received to date while it evaluated its long-term post and grade level requirements.

81. **Ms. Skåre** (Norway) said that sexual exploitation and abuse by United Nations personnel was intolerable. By endorsing the report of the Special Committee on Peacekeeping Operations, the General Assembly would be taking a first step towards seeking justice and preventing such unacceptable conduct in the future.

82. Follow-up to the recommendations on uniform and binding standards and enhanced investigative and other capacities to address misconduct would have cost implications. Her Government had recognized the need for immediate action and therefore pledged $800,000 for the implementation of the recommendations. Implementation of a General Assembly resolution on a comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations should not depend, however, on voluntary contributions. Member States must take collective

responsibility for financing the implementation of the resolution.

83. Norway fully supported the resource requests put forward by the Secretary-General, the establishment of a new Personnel Conduct Unit and the proposed resource requests to strengthen the Organization's capacity for investigations. The high number of allegations of sexual exploitation and abuse and the pattern of such abuse found in the reports were disturbing. Follow-up to the strategies and policies to prevent such misconduct was the responsibility of the highest officials. Civilian managers and military commanders must be held accountable and the Secretary-General and Member States must ensure that the necessary mechanisms of accountability were in place.

84. Lastly, her delegation believed that the Committee's discussion would benefit from supplementary information on the role and tasks of the Personnel Conduct Units at Headquarters, its relationship to other United Nations offices and the role of the Department of Peacekeeping Operations, if any, in investigations of sexual exploitation and abuse.

85. **Mr. Elnaggar** (Egypt) stated that the topic was morally and politically sensitive and needed to be dealt with in a serious manner. The Committee was considering the proposals of the Secretary-General for the creation of new administrative entities for peacekeeping operations and for strengthening the capacity of OIOS to investigate cases of sexual exploitation and abuse. The General Assembly had recently adopted a resolution on the subject that determined the competent office within the Secretariat. A clear and comprehensive strategy should be developed to optimize the current allocation of financial and human resources, instead of creating new bureaucratic frameworks which might blur lines of responsibility and authority, particularly since various aspects of the issue were already dealt with by offices at Headquarters or in the field. The Committee had requested the Secretariat and, in particular, the Department of Peacekeeping Operations, to respect the competencies of the existing entities. It was necessary to consider all of the existing entities and their respective areas of jurisdiction and whether the proposal of the Secretary-General would make it necessary to reconsider, reduce or even eliminate them altogether. The jurisdiction of any new post should be clearly defined in view of the need to ensure coordination and cooperation between the various departments of the Secretariat and taking into consideration the sovereignty of Member States. It was difficult for his country to understand how new posts could be created and absorbed under existing budgets when such posts or their jurisdiction had not been defined by the General Assembly. That important question was linked directly to the jurisdiction of the Fifth Committee and the General Assembly. His country was prepared to support the draft resolutions on financial and personnel policies before establishing new bureaucratic entities and to consider the extent to which urgent requirements could be absorbed, even temporarily, until the comprehensive report on the topic was submitted.

86. **Mr. Kozaki** (Japan) said that his Government devoted much attention to the issue of sexual exploitation and abuse in peacekeeping missions. It took serious note of the recommendations of the Secretary-General and had participated in the discussions on them by the Special Committee on Peacekeeping Operations. Adequate steps must be taken to prevent future incidents of misconduct by United Nations personnel. As the report of the Secretary-General rightly pointed out, troop-contributing countries had the primary responsibility for the conduct and discipline of their troops, and specific measures should be taken accordingly.

87. Existing resources must be fully utilized and, as recommended in the report of the Special Committee (A/59/19/Add.1), due attention given to avoiding duplication of resources and functions and to reviewing the effectiveness of current capacity to deal with the issue.

88. **Mr. Ng'ongolo** (United Republic of Tanzania) said that sexual exploitation and abuse had been clearly defined in the report as immoral and an insult to human dignity. His delegation was concerned that such activities were continuing and that there had been no effective programme of protection and deterrence to date. It was equally disturbing that while Member States were seeking ways of strengthening the Organization, others entrusted with promoting peace and security were undermining their efforts and tarnishing the Organization's reputation. His delegation condemned such misconduct and called for the establishment of a comprehensive strategy to eliminate sexual exploitation and abuse.

89. **Ms. Udo** (Nigeria) said that, like other delegations, her Government viewed the issue of sexual exploitation and abuse with serious concern.

90. **Mr. Simancas** (Mexico) asked whether any peacekeepers from the United Nations Interim Administration Mission in Kosovo (UNMIK) had been alleged to have engaged in sexual exploitation and abuse and, if so, whether they had subsequently been transferred to other missions.

91. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management) said that there had been no allegations of sexual exploitation and abuse among UNMIK personnel in 2004. With respect to the perpetrators of incidents of human trafficking in 2003, they had not been transferred to any other peacekeeping missions in Africa or elsewhere.

The meeting rose at 1 p.m.